

232.96A Child in need of assistance adjudication.

The court may adjudicate a child in need of assistance if such child is unmarried and meets any of the following requirements:

1. The child's parent, guardian, or other custodian has abandoned or deserted the child.
2. The child's parent, guardian, other custodian, or other member of the household in which the child resides has physically abused or neglected the child, or is imminently likely to physically abuse or neglect the child.
3. The child has suffered or is imminently likely to suffer harmful effects as a result of any of the following:
 - a. Mental injury caused by the acts of the child's parent, guardian, or custodian.
 - b. The failure of the child's parent, guardian, custodian, or other member of the household in which the child resides to exercise a reasonable degree of care in supervising the child.
 - c. The child's parent, guardian, custodian, or person responsible for the care of a child as defined in [section 232.68](#), has knowingly disseminated or exhibited obscene material, as defined in [section 728.1](#), to the child.
4. The child has been, or is imminently likely to be, sexually abused by the child's parent, guardian, custodian, or other member of the household in which the child resides.
5. The child is in need of medical treatment to cure, alleviate, or prevent serious physical injury or illness and whose parent, guardian, or custodian is unwilling or unable to provide such treatment.
6. The child is in need of treatment to cure or alleviate serious mental illness or disorder, or emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward the child's self or others and the child's parent, guardian, or custodian is unwilling to provide such treatment.
7. The child's parent, guardian, or custodian fails to exercise a minimal degree of care in supplying the child with adequate food, clothing, or shelter and refuses other means made available to provide such essentials.
8. The child has committed a delinquent act as a result of pressure, guidance, or approval from a parent, guardian, custodian, or other member of the household in which the child resides.
9. The child has been the subject of or a party to sexual activities for hire or who poses for live display or for photographic or other means of pictorial reproduction or display which is designed to appeal to the prurient interest, is patently offensive, and taken as a whole, lacks serious literary, scientific, political, or artistic value.
10. The child is without a parent, guardian, or other custodian.
11. The child's parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody.
12. The child for good cause desires to have the child's parents relieved of the child's care and custody.
13. The child is in need of treatment to cure or alleviate chemical dependency and whose parent, guardian, or custodian is unwilling or unable to provide such treatment.
14. The child's parent, guardian, or custodian suffers from a mental incapacity, a mental condition, imprisonment, or drug or alcohol abuse that results in the child not receiving adequate care or being imminently likely not to receive adequate care.
15. The child's body has an illegal drug present as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian. The presence of the drug shall be determined in accordance with a medically relevant test as defined in [section 232.73](#).
16. The child's parent, guardian, custodian, or other adult member of the household in which a child resides does any of the following:
 - a. Unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance in the presence of the child.
 - b. Knowingly allows the use, possession, manufacture, cultivation, or distribution of a dangerous substance by another person in the presence of the child.

c. Possesses a product with the intent to use the product as a precursor or an intermediary to a dangerous substance in the presence of the child.

d. Unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance listed in paragraph “f”, subparagraph (1), (2), or (3), in the child’s home, on the premises, or in a motor vehicle located on the premises.

e. For the purposes of [this subsection](#), “*in the presence of a child*” means in the physical presence of a child or occurring under other circumstances in which a reasonably prudent person would know that the use, possession, manufacture, cultivation, or distribution of a dangerous substance may be seen, smelled, ingested, or heard by a child.

f. For the purposes of [this subsection](#), “*dangerous substance*” means any of the following:

- (1) Amphetamine, its salts, isomers, or salts of its isomers.
- (2) Methamphetamine, its salts, isomers, or salts of its isomers.
- (3) A chemical or combination of chemicals that poses a reasonable risk of causing an explosion, fire, or other danger to the life or health of persons who are in the vicinity while the chemical or combination of chemicals is used or is intended to be used in any of the following:
 - (a) The process of manufacturing an illegal or controlled substance.
 - (b) As a precursor in the manufacturing of an illegal or controlled substance.
 - (c) As an intermediary in the manufacturing of an illegal or controlled substance.
 - (4) Cocaine, its salts, isomers, salts of its isomers, or derivatives.
 - (5) Heroin, its salts, isomers, salts of its isomers, or derivatives.
 - (6) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

17. The child is a newborn infant whose parent has voluntarily released custody of the child in accordance with [chapter 233](#).

[2022 Acts, ch 1098, §33](#)

Referred to in [§232.2](#), [232.68](#), [232.71B](#), [232.83](#), [232.98](#), [232.102](#), [232.117](#), [709A.5](#)

NEW section